JOHN J. SANSONE, County Counsel (State Bar No. 103060)
County of San Diego
By MORRIS G. HILL, Senior Deputy (State Bar No. 97621)
1600 Pacific Highway, Room 355
San Diego, California 92101-2469
Telephone: (619) 531-4877; Fax: (619) 531-6005
E-mail: morris.hill@sdcounty.ca.gov

Attorneys for Defendant Bonnie Dumanis

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NATHAN KEVIN TURNER, Plaintiff, v. BONNIE DUMANIS, District Attorney of the County of San Diego; SAN DIEGO POLICE DEPT.; DETECTIVE A. FRAGOSO of the San Diego County Police Dept.; DETECTIVE J. DREIS of the San Diego County Police Dept.; SAN DIEGO CRIME LAB; and THE ATTORNEY GENERAL OF STATE OF CALIF., Defendants.	No. 08-cv-0360-W(RBB) NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO STATE A CONSTITUTIONAL CLAIM Date: July 28, 2008 Dept.: 7 - Courtroom of the Honorable Thomas Whelan Trial Date: None **[NO ORAL ARGUMENT PURSUANT TO LOCAL RULE 7.1d1]**

PLEASE TAKE NOTICE that on July 28, 2008 **(no oral argument pursuant to Local Rule 7.1d1)**, or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Thomas Whelan, United States District Judge, located at 940 Front Street, San Diego, California, defendant Bonnie Dumanis will move to dismiss plaintiff's complaint on grounds that it fails to state a actionable constitutional claim upon which relief can be granted pursuant to Federal Rules of Civil Procedure, rule 12(b)(6).

///

///

The motion will be based upon this notice, upon the accompanying memorandum of points and authorities, and upon all papers and pleadings on file in this action.

DATED: June 20, 2008

JOHN J. SANSONE, County Counsel

By: s/ MORRIS G. HILL, Senior Deputy
Attorneys for Defendant Bonnie Dumanis
E-mail: morris.hill@sdcounty.ca.gov

Declaration of Service

I, LAURA COMETA, declare:

That I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On June 20, 2008, I served the following documents: **Notice Of Motion And Motion To Dismiss Plaintiff's Complaint For Failure To State A Constitutional Claim; Memorandum Of Points And Authorities In Support Of Motion To Dismiss Plaintiff's Complaint For Failure To State A Constitutional Claim; Notice Of Lodgment** in the following manner:

☒ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

Nathan Kevin Turner, C-44886
California Medical Facility
Post Office Box 2000
Vacaville, California 95696-2000
(plaintiff in pro per)

☒ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

PLEASE SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 20, 2008, at San Diego, California.

Laura Cometa
LAURA COMETA

SERVICE LIST

Michelle De Jardins, Deputy
Office of the Attorney General
110 West "A" Street, #1100
San Diego, California 92101
(619) 645-2295; (619) 645-2581 (fax)
E-mail: michelle.desjardins@doj.ca.gov
(Attorneys for Defendant Edmund G. Brown, Jr.)

Walter Clement Chung
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, California 92101
(619)533-5800
(619)533-5856 (fax)
Email: wchung@sandiego.gov
(Attorneys for Defendants City of San Diego and J. Dreis)